
No. 95-2450

George E. Smith,	*
	*
Appellant,	*
	*
v.	* Appeal from the United States
	* District Court for the
Marvin T. Runyon, Jr., P.M.G.,	* District of Minnesota.
	*
Appellee.	* [UNPUBLISHED]
	*

Submitted: July 5, 1996

Filed: July 12, 1996

Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

George E. Smith appeals from the district court's¹ grant of summary judgment to the United States Postal Service (USPS) in his employment discrimination action. The district court concluded Smith could not make out a prima facie case of race discrimination or reprisal as he had not shown any adverse employment action. On appeal, Smith argues he should have been afforded the opportunity to conduct discovery. We affirm.

Reviewing de novo, we agree with the district court that Smith failed to prove he suffered an adverse employment action. See Landon v. Northwest Airlines, Inc., 72 F.3d 620, 624 (8th Cir. 1995) (standard of review; prima facie case for race

¹The Honorable Michael James Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable J. Earl Cudd, United States Magistrate Judge for the District of Minnesota.

discrimination); Evans v. Kansas City, Mo. Sch. Dist., 65 F.3d 98, 100 (8th Cir. 1995) (prima facie case for retaliation claim), cert. denied, 116 S. Ct. 1319 (1996). We reject Smith's contention that summary judgment was entered prematurely; Smith neither requested a continuance under Federal Rule of Civil Procedure 56(f), nor submitted an affidavit explaining why he needed additional time for discovery. See Federal Rule of Civil Procedure 56(f); Puckett v. Cook, 864 F.2d 619, 622 (8th Cir. 1989). Moreover, Smith had seven months in which to conduct discovery before USPS moved for summary judgment, and USPS did not move for summary judgment until after the original deadline for discovery had passed. See Bright v. Standard Register Co., 66 F.3d 171, 172 (8th Cir. 1995) (per curiam) (summary judgment not premature where plaintiffs had months to complete discovery before motion was filed, and after motion was filed, plaintiffs neither moved for discovery continuance nor attempted to complete desired discovery).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.